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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,902	11/16/2001	Hirosato Yagi	011542	7800

23850 7590 10/28/2004

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,902

Applicant(s)

YAGI ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment received on 8/10/2004 is acknowledged and entered. Claims 1, 5-7 and 9-15 have been amended. Claims 1-15 are currently pending in the application.

Claim Objections have been withdrawn based on the applicant's amendment.

Claim Rejections under 35 USC § 112 have been withdrawn based on the applicant's amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanner, Jr. et al. (US 6,636,784).

Tanner, Jr. et al. (hereinafter Tanner) teaches a method and system for electricity transfer, comprising:

Claim 1. Determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67).

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Claim 2. Allocating an excessive current capacity, which is not necessary for one user to another user who need the excessive current capacity (column 3, lines 37-41).

Claim 3. Requesting necessary current capacity, allocating current capacity based on the request, and distributing the contracted current to the users (column 4, lines 58-67).

Claim 4. Charging a penalty when a current used exceeds the contracted current allocated to each of the users (column 1, lines 27-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of Mistr, Jr. (US 5,794,212) (Mistr).

Claim 5. Tanner teaches said method, comprising: determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67); requesting necessary current capacity, allocating current capacity based on the request, and distributing the contracted current to the users (column 4, lines 58-67); determining a user who adds a current capacity when a total requested current capacity is larger than a total contracted current to be distributed (column 3, lines 37-41).

Tanner does not specifically teach auctioning for additional power.

Mistr teaches a method and system for efficient purchasing of energy, wherein an auction mechanism is disclosed (C. 4, L. 29-36).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tanner to include auctioning for additional power, as disclosed in Mistr, because it would advantageously allow a buyer to obtain the needed capacity at the best available price.

Claim 6. Same reasoning as in claim 4.

Claims 7-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of Weiss (US 6,681,156).

Claim 7. Turner teaches said method and system, comprising: determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67).

However, Turner does not specifically teach a server and a network for connecting each user with said server.

Weiss teaches a method and system for planning energy supply, comprising: a server accessible by users via the Internet, wherein said server having means to determine contracted current for each of the users on the basis of information on each of the users supplied to the server (column 14, lines 56-61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turner to include a server accessible by users via the Internet, as disclosed in Weiss, because it would advantageously provide users with convenient and instantaneous access to energy-related information.

Claim 8. Tanner teaches said system, wherein a control device for controlling and displaying information on power consumed by each of the users is provided (column 4, lines 17-19).

Claim 9. Tanner teaches said method and system, including: determining an excessive current capacity which is not necessary for one user; and allocating said excessive current capacity, to another user who needs the excessive current capacity (column 3, lines 37-41).

Claim 10. Weiss teaches said method and system, wherein the server has means for determining the contracted current of each of the users on the basis of the information and distributes the power to each of the users (column 14, lines 56-61). The motivation to combine Tanner and Weiss would be to provide users with convenient and instantaneous access to energy-related information.

Claim 12. Tanner teaches said method and system, including: determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67); and providing a circuit re-closer and switches (current limiter), which is controlled on the basis of said determination step (column 8, lines 4-12).

Claim 13. Tanner teaches said method and system, wherein an excessive current capacity which is not necessary for one user is given to another user who needs the excessive current capacity (column 3, lines 37-41).

Claim 14. Weiss teaches said method and system, wherein information on a maximum current capacity required by each of the users is given to the server, and the server determines the contracted current of each of the users on the basis of the information and distributes the power to each user (column 14, lines 56-61). provide users with convenient and instantaneous access to energy-related information.

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of Weiss and further in view of Mistr.

Claims 11 and 15. Tanner in view of Weiss teaches all the limitations of claims 11 and 15, including: determining a user who can have an additional current capacity; allocating an additional current capacity, which is not necessary for one user to another user who needs the excessive current capacity (Tanner; column 3, lines 37-41); except specifically teaching auctioning for additional power.

Mistr teaches a method and system for efficient purchasing of energy, wherein an auction mechanism is disclosed (column 4, lines 29-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tanner in view of Weiss to include auctioning for additional power, as disclosed in Mistr, because it would advantageously allow a buyer to obtain the needed capacity at the best available price.

Response to Arguments

Applicant's arguments filed 8/10/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Tanner fails to disclose that *electric power is purchased by a management company based on purchase contract with the electric power company in consideration of necessary power and distributing power to the users*, it is noted that Tanner specifically teach: determining a *contracted current* for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67), thereby clearly indicating a contractual relationship with the power supply company.

In response to applicant's argument that Tanner fails to disclose *grasping a maximum current capacity necessary for each of the users*, the examiner points out that Tanner teaches: providing ... a value representing a maximum electricity flow determined by the electricity customer, which may be based on the contractual and/or physical limitations of the electricity customer's substation. The value may also be the electrical customer's contractual peak demand or other peak demand limit set by the electricity transfer station (C. 4, L. 58-67).

In response to applicant's argument that Tanner fails to disclose: *allocating an excessive current capacity which is not necessary for one user to another user*, it is noted that Tanner specifically teaches: re-delivering electricity by a customer to another party (C. 3, L. 37-41).

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In response to applicant's argument that Tanner fails to disclose an auctioning mechanism for purchasing additional capacity, it is noted that Mistr was applied for this feature (C. 4, L. 29-36).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

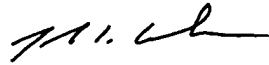
Washington D.C. 20231

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or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

IB

10/25/2004